

February 21, 2018

**BY ELECTRONIC FILING**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: NOTICE OF EX PARTE**

**WT Docket No. 17-79:** *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment;*

**WT Docket No. 15-180:** *Revising the Historic Preservation Review Process for Wireless Facility Deployment;*

**WC Docket No. 17-84:** *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*

Dear Ms. Dortch:

Competitive Carriers Association (“CCA”)<sup>1</sup> writes to supplement the record in the above-referenced proceedings. CCA applauds the Administration’s and Federal Communications Commission’s (“FCC” or “Commission”) work to substantively address barriers to infrastructure deployment. In the wake of CCA’s recent filing regarding the appropriate definition for small cells,<sup>2</sup> CCA is particularly encouraged by the White House’s recent proposal regarding its “Legislative Outline for Rebuilding Infrastructure in America” (“White House Infrastructure Plan”).<sup>3</sup> Specifically, CCA agrees that small cells are materially different than their predecessors, regarding both size, and visual or actual impact on historic or environmental property. Current law should therefore be amended to expedite small cell deployment and “eliminate unnecessary reviews” related to historic and environmental compliance.<sup>4</sup>

For these reasons, CCA has continuously encouraged<sup>5</sup> the FCC to find that small cells and Distributed Antenna System (“DAS”) deployments are outside the scope of a “federal undertaking” under the National

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<sup>1</sup> CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

<sup>2</sup> See Letter from Rebecca Murphy Thompson, EVP & GC, Competitive Carriers Association, WT Docket No. 17-79, WC Docket No. 17-84, WC Docket No. 17-84 (filed Feb. 9, 2018) (*attaching*, “Proposed FCC Rule 1.1320”).

<sup>3</sup> White House, “Legislative Outline for Rebuilding Infrastructure in America” (rel. Feb. 12, 2018) (“White House Infrastructure Plan”).

<sup>4</sup> See *id.* at 40.

<sup>5</sup> See Letter from Rebecca Murphy Thompson, EVP & GC, Competitive Carriers Association, WT Docket No. 17-79, WC Docket No. 17-84, WC Docket No. 17-84 (filed Feb. 5, 2018). See also Comments of Competitive Carriers Association, WT Docket No. 17-79, WC Docket No. 17-84, at 18, 25-35 (filed June 15, 2017) (“CCA Comments”).

Historic Preservation Act (“NHPA”).<sup>6</sup> This conclusion is in line with the underlying statutes and would support the Administration’s and the Commission’s policy goals.<sup>7</sup> Indeed, in response to the release of the White House Infrastructure Plan, Chairman Pai “welcome[d] [the] strong call to action,”<sup>8</sup> and Commissioner Carr aptly noted that “[t]o win the global race to 5G, we must fundamentally reform our infrastructure deployment rules.”<sup>9</sup> What’s more, CCA applauds the Administration’s recent approach to infrastructure deployment, which emphasizes the Commission’s authority to move forward on siting reforms as soon as possible. The Commission should therefore seize on the Administration’s momentum to determine that small cells and DAS do not have the potential to harm Historic Properties,<sup>10</sup> and adopt a definition of “small cell” that avoids unintended consequences while adequately addressing carriers’ deployment needs.<sup>11</sup>

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<sup>6</sup> See *id.* at 47. A federal “undertaking” under NHPA includes projects, activities, or programs that “requir[e] a Federal permit, license, or approval[.]” See also, 54 U.S.C. § 300320(3); see also 40 CFR § 1508.18(b).

<sup>7</sup> See, e.g., White House Infrastructure Plan; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Notice of Proposed Rulemaking and Notice of Inquiry, FCC 17-38 (2017) ¶ 26 (“Wireless NPRM”).

<sup>8</sup> Statement of Chairman Ajit Pai, FCC, “White House Infrastructure Plan,” (rel. Feb. 12, 2018), *available at* [https://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2018/db0212/DOC-349146A1.pdf](https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0212/DOC-349146A1.pdf).

<sup>9</sup> Statement of Commission Brendan Carr, FCC, “White House Infrastructure Plan,” (rel. Feb. 12, 2018), *available at* [https://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2018/db0212/DOC-349153A1.pdf](https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0212/DOC-349153A1.pdf).

<sup>10</sup> See 36 CFR § 800.3(a)(1). Based on its authority under Section 800.3(a)(1), the Commission has established targeted unilateral exclusions from historic preservation review requirements for certain small facility collocations on utility structures and on buildings and other non-tower structures, provided they meet certain specified criteria. *2014 Infrastructure Order*, 29 FCC Rcd at 12901-12, ¶¶ 76-103.

<sup>11</sup> See 47 CFR § 1.1320.

CCA looks forward to continued work with the Commission, the Administration, and industry to streamline and update infrastructure siting policies to reflect changes in technology. This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's rules.

Respectfully submitted,

*/s/ Rebecca Murphy Thompson*

Rebecca Murphy Thompson  
EVP & General Counsel  
Competitive Carriers Association

cc (via email): Rachael Bender  
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